

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-22538-ALTMAN/REID

DOMINIK KARNAS, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

**JOINT MOTION TO STAY CASE AS
TO SETTLING DEFENDANTS VICTOR OLADIPO AND ROBERT GRONKOWSKI**

Plaintiffs and Settling Defendants, Messrs. Oladipo and Gronkowski, (collectively, the “Settling Parties”) are very pleased to inform the Court they have reached an amicable—mediator supervised—proposed class resolution and respectfully move to stay litigation against them, as this Court previously entered for settled Defendant Cassill.

The Parties heard the court clearly, and thus Counsel and Clients, worked cooperatively to reach these two proposed settlements. Plaintiffs have now settled with Voyager promoters Cassill, Gronkowski, and Oladipo for millions of dollars in relief to the class and we can all focus on trial with Defendants, Mr. Cuban and the Dallas Mavericks.

Plaintiffs will finally take the Dallas Mavericks 30(b)(6) Corporate Representative deposition on April 4, 2024, in Dallas. The Parties are also completing outstanding discovery, including Plaintiffs making materials available, scheduling depositions, and Plaintiffs will file their Motion for Class Certification by March 18 (as Court ordered scheduled). The class certification motion will be similar to the Motion for Certification that was filed very early in this case (which was denied as premature) and the remaining two Defendants (Defendants Dallas Mavericks and Mr. Cuban) await a ruling on Defendants’ pending Motion to Dismiss and Motion to Transfer.

We are grateful to Magistrate Judge Reid, who has been dealing with an *in camera* review of some of Defendants Cuban’s and the Mavericks’ withheld production. That specific issue will be reviewed, after Defendants Cuban and the Mavericks inform us (in deposition and as affirmative

defenses), if either will be asserting a “reliance on counsel defense”, so the Court can revisit those alleged privilege assertions.¹

In some ways, this Voyager litigation now resembles the FTX MDL, pending before this Court. The Court has now set two tracks of consolidated Voyager litigations, with “Track One” being Plaintiffs’ claims against Defendants Mr. Cuban and the Dallas Mavericks, and a “Track Two” against the other named consolidated Defendants, such as the NBA, McCarter & English LLP, and public relations firm Ketchum. All of the pending Voyager claims will be greatly assisted, and guided by the Court’s upcoming rulings, on the pending Motions to Dismiss and Motion for Class Certification.²

BRIEF LEGAL ANALYSIS

It is well settled that a Court has the authority to stay proceedings to manage its docket, based upon circumstances of a particular case, especially where the parties have reached a settlement of the matter. *See, e.g., Landis v. North Am. Water Works & Elec. Co.*, 299 U.S. 248, 254 (1936); *Republic of Venezuela v. Philip Morris Cos., Inc.*, No. 99-0586-Civ, 1999 WL 33911677, at *1 (S.D. Fla. Apr. 28, 1999); *see also, e.g., Arkin v. Smith Med. Partners, LLC*, No. 8:19-cv-1723-T-26AEP, 2020 WL 1666158, at *2–*3 (M.D. Fla. April 3, 2020) (staying class action litigation pending court’s evaluation of proposed settlement to “avoid duplicative discovery efforts and related, overlapping issues” and to “allow the parties—and the Court—to focus on the propriety of the Motion for Preliminary Approval”). A class-wide settlement, if approved, will resolve all claims and issues in this action.

WHEREFORE, the Settling Parties very respectfully request the Court enter an Order modifying the previous stay as to Landon Cassill [ECF No. 176] and imposing one as to Victor Oladipo and Robert Gronkowski, allowing for the preliminary settlement approval process to be completed as follows:

- a. By May 3, 2024, if other Defendants have settled, Plaintiffs’ Counsel shall submit a Status Report, with a proposed schedule for filing of a Motion for Preliminary Approval which will include the pending Settlements with Defendants Cassill, Gronkowski, and Oladipo.

¹ Counsel for Defendants Mr. Cuban and the Dallas Mavericks (the Brown Rudnick Firm) will confirm if they are still representing both Defendants, now that Mr. Cuban has sold his interest in the Dallas Mavericks, and after they confirm whether there are any conflicts of interest.

- b. If no other Defendant has settled by May 3, 2024, Plaintiffs' Counsel shall move for preliminary approval of the pending Settlement with Defendants Cassill, Gronkowski, and Oladipo.

A proposed order accompanies this Motion as **Exhibit A**.

Dated: March 11, 2024

Respectfully submitted,

Counsel for Defendants Robert
Gronkowski and Landon Cassill:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on March 11, 2024, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz
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